

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID BURNS,

Case No. 3:18-cv-00231-MMD-WGC

**Plaintiff,**

## ORDER

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JESSE COX, *et al.*,

## Defendants.

## I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate.<sup>1</sup> The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must

<sup>1</sup> The Court acknowledges that Plaintiff has filed a financial certificate and inmate account statement. (ECF No. 1-2).

1 file a fully complete application to proceed *in forma pauperis*.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL  
4 SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner,  
5 as well as the document entitled information and instructions for filing an *in forma pauperis*  
6 application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on  
9 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
10 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
11 fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
13 dismissal of this action may result.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint  
15 (ECF No. 1-1), but shall not file it at this time.

16 DATED: May 21, 2018.

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18 UNITED STATES MAGISTRATE JUDGE